

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation)
Against:)**

Hugo Estefano Altamirano, M.D.)

Case No. 800-2016-028162

**Physician's and Surgeon's)
Certificate No. A 121792)**

Respondent)

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 21, 2017.

IT IS SO ORDERED August 14, 2017 .

MEDICAL BOARD OF CALIFORNIA

**By: Kimberly Kirchmeyer
Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
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Attorneys for Complainant

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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **HUGO ESTEFANO ALTAMIRANO, M.D.**

12 **399 Fremont St., No. 427**
13 **San Francisco, CA 94105**

14 **Physician's and Surgeon's Certificate No.**
15 **A121792**

16 Respondent.

Case No. 800-2016-028162

OAH No. 2017050100

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
23 of California (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Alice W. Wong,
25 Deputy Attorney General.

26 2. Hugo Estefano Altamirano, M.D. (Respondent) is represented in this proceeding by
27 attorney Jeffrey S. Kravitz, whose address is Kravitz Law Office, 6747 Fair Oaks Blvd
28 Carmichael, CA 95608.

3. On or about June 22, 2012, the Board issued Physician's and Surgeon's Certificate No. A121792 to Hugo Estefano Altamirano, M.D. The Physician's and Surgeon's Certificate is renewed and current, but is suspended pursuant to a stipulated Interim Suspension Order issued on January 31, 2017.

JURISDICTION

4. Accusation No. 800-2016-028162 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 2, 2017. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2016-028162 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-028162. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2016-028162, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. A121792 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A121792, issued to Respondent Hugo Estefano Altamirano, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2016-028162 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition. Good cause exists to permit Respondent to petition for reinstatement in two years (Bus. & Prof., § 2307, subd. (b)(1).)

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2016-028162 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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1 ACCEPTANCE


2 I have carefully read the above Stipulated Surrender of License and Order and have fully
3 discussed it with my attorney, Jeffrey S. Kravitz. I understand the stipulation and the effect it will
4 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of
5 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Medical Board of California.

7
8 DATED: 8/4/17


9 HUGO ESTEFANO ALTAMIRANO, M.D.
10 *Respondent*

11 I have read and fully discussed with Respondent Hugo Estefano Altamirano, M.D. the
12 terms and conditions and other matters contained in this Stipulated Surrender of License and
13 Order. I approve its form and content.

14 DATED: 8-4-17


15 JEFFREY S. KRAVITZ
16 *Attorney for Respondent*


17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
19 for consideration by the Medical Board of California of the Department of Consumer Affairs.

20
21 Dated: 8/4/17

Respectfully submitted,

22 XAVIER BECERRA
23 Attorney General of California
24 JANE ZACK SIMON
25 Supervising Deputy Attorney General


26 ALICE W. WONG
27 Deputy Attorney General
28 *Attorneys for Complainant*

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Exhibit A

Accusation No. 800-2016-028162

XAVIER BECERRA
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2016-028162

Hugo Estefano Altamirano, M.D.
2515 Wilshire Blvd, PTP
Santa Monica, CA 90403

A C C U S A T I O N

Physician's and Surgeon's Certificate
No. A121792,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 22, 2012, the Medical Board issued Physician's and Surgeon's Certificate Number A121792 to Hugo Estefano Altamirano, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2018, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code provides, in pertinent part, that the Medical Board shall have responsibility for:

“(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board. . .”

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2228 of the Code provides that a probation imposed by the Board may include, but is not limited to the following:

“(a) Requiring the licensee to obtain additional professional training and to pass an examination upon the completion of training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board or the administrative law judge.”

“(b) Requiring the licensee to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If an examination is ordered, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians and surgeons of the licensee’s choice.”

1 “(c) Restricting or limiting the extent, scope, or type of practice of the licensee, including
2 requiring notice to applicable patients that the licensee is unable to perform the indicated
3 treatment, where appropriate.”

4 7. Section 2234 of the Code, states:

5 “The board shall take action against any licensee who is charged with unprofessional
6 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
7 limited to, the following:

8 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
9 violation of, or conspiring to violate any provision of this chapter.

10 “(b) Gross negligence.

11 “... (e) The commission of any act involving dishonesty or corruption which is
12 substantially related to the qualifications, functions, or duties of a physician and surgeon.”

13 8. Section 2239 of the Code states:

14 “(a) The use or prescribing for or administering to himself or herself, of any controlled
15 substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic
16 beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to
17 any other person or to the public, or to the extent that such use impairs the ability of the licensee
18 to practice medicine safely or more than one misdemeanor or any felony involving the use,
19 consumption, or self-administration of any of the substances referred to in this section, or any
20 combination thereof, constitutes unprofessional conduct.”

21 9. Section 2280 of the Code states:

22 “No licensee shall practice medicine while under the influence of any narcotic drug or
23 alcohol to such extent as to impair his or her ability to conduct the practice of medicine with
24 safety to the public and his or her patients. Violation of this section constitutes unprofessional
25 conduct and is a misdemeanor.”

26 10. Section 822 of the Code provides that if the Board determines that a licensee’s ability
27 to practice his or her profession safely is impaired because the licensee is mentally ill, or
28 physically ill affecting competency, the licensing agency may take action by revoking or

1 suspending the license, placing the licensee on probation, or taking such other action as the
2 licensing agency in its discretion deems proper.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct - Gross Negligence and Substance Abuse)

5 11. Respondent's license is subject to discipline and Respondent is guilty of
6 unprofessional conduct in violation of sections 2234 and 2239 of the Code based on the
7 following:

8 12. On or about October 29, 2016, Respondent was the on-duty anesthesiologist for the
9 Obstetrics Department of Contra Costa Regional Medical Center (CCMC). When Respondent
10 failed to respond to on-duty pages to the Obstetrics Unit, another physician found Respondent in
11 the physician's call room, face down and nearly unresponsive, with an IV in his left arm attached
12 to an empty syringe. The reporting physician also observed a second empty syringe in the room.
13 Respondent was taken to the emergency room for evaluation.

14 13. Respondent was immediately relieved of his clinical duties and a formal investigation
15 was conducted by the CCMC Medical Executive Committee.

16 14. On or about November 17, 2016, Respondent sought treatment for chemical
17 dependency. Records of Respondent's chemical dependency treatment were obtained by the
18 Board and those records disclosed that Respondent admitted to being habituated to IV drug use,
19 including propofol¹ and fentanyl². Respondent admitted he obtained the drugs from "extra after
20 procedures and [he] would do single IV injections." After conducting an interview and
21 performing psychological testing, the evaluator at the chemical dependency treatment center
22 concluded Respondent suffers from severe Opioid Use Disorder for fentanyl and severe Sedative
23 Hypnotic Use Disorder for propofol. The evaluator further opined that Respondent should not

24 ¹ **Propofol** is a short-acting intravenous anesthetic with a narrow window of therapeutic
25 safety and has often been abused by medical providers with access to the drug. Propofol
26 produces loss of consciousness rapidly within 40 seconds of an intravenous injection. (Drug
Enforcement Agency, Office of Diversion Control: January 2013)

27 ² **Fentanyl** is a powerful synthetic opiate similar to but far more potent than morphine,
28 used to treat moderate to severe pain. Intravenous fentanyl is often used for anesthesia along with
propofol. It is a Schedule II controlled substance as defined by Health and Safety Code section
11055, subdivision (c)(8).

1 practice as a physician until after successful completion of a 90 (plus) days of chemical
2 dependency treatment at a full-time residential or residential day treatment program as prescribed
3 and reevaluated for fitness for duty.

4 15. Respondent is guilty of unprofessional conduct and Respondent's license is subject to
5 disciplinary action for violation of sections 2234 and 2239 of the Code. Respondent's self use of
6 controlled substances while working as the on-call anesthesiologist for surgical intervention in the
7 Obstetrics department of a hospital evidences a critical deficiency of the clinical judgment of a
8 physician and constitutes gross negligence for the self-prescribing of controlled substances, and
9 the use of controlled substances in a manner dangerous to self and others.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Impairment - Chemical Dependence)**

12 16. Respondent is subject to disciplinary action under section 822 of the Code in that
13 Respondent is unable to practice medicine safely due to multiple diagnoses of chemical
14 dependence based on the following:

15 17. Paragraphs 11 to 15 are incorporated in this Second Cause for Disciplinary Action, as
16 though fully set out herein.

17 18. Respondent's license is subject to discipline pursuant to sections 822 and 2227 of the
18 Code in that, due to diagnosed chemical dependence, Respondent is unable or is impaired in his
19 ability to practice medicine.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Practice Under the Influence)**

22 19. Respondent is subject to disciplinary action under section 2280 of the Code in that
23 Respondent was engaged in the practice of medicine when he was under the influence of a
24 narcotic drug which impaired his ability to practice medicine safely based on the following:

25 20. Paragraphs 11 to 15 are incorporated in this Third Cause for Disciplinary Action, as
26 though fully set out herein.

27 21. Respondent's license is subject to discipline pursuant to section 2280 of the Code in
28 that Respondent was the on-duty anesthesiologist when he was found in the physician's call

1 room, face down and nearly unresponsive, with an IV in his left arm attached to an empty
2 syringe. Respondent's conduct endangered the safety of the public and his patients.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Dishonest Acts)**

5 22. Respondent's license is subject to discipline and respondent is guilty of
6 unprofessional conduct in violation of sections 2234, 2234(a) and 2234(e) of the Code in that
7 Respondent engaged in dishonest acts based on the following:

8 23. Paragraphs 11 to 15 are incorporated in this Fourth Cause for Disciplinary Action, as
9 though fully set out herein.

10 24. Respondent's license is subject to discipline pursuant to sections 2234 and 2234(e) of
11 the Code by reason of his dishonest acts in illicitly obtaining and diverting narcotics for his own
12 use.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Medical Board of California issue a decision:

16 1. Revoking or suspending Physician's and Surgeon's Certificate Number A121792,
17 issued to Hugo Estefano Altamirano, M.D.;

18 2. Revoking, suspending or denying approval of Hugo Estefano Altamirano, M.D.'s
19 authority to supervise physician assistants and advanced practice nurses;

20 3. Ordering Hugo Estefano Altamirano, M.D., if placed on probation, to pay the Board
21 the costs of probation monitoring; and

22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: March 2, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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